

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07CV361-03-MU  
(3:03CR218-MU)

CHRISTOPHER REGINALD HINES, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on Petitioner’s Motion to Vacate, Set Aside Or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 1); Petitioner’s Amended Document (Doc. No. 5); the Government’s Motion for Summary Judgment, (Document No. 18), and Petitioner’s Response to the Government’s Motion for Summary Judgment (Doc. No. 23).

The Court directs the Respondent to file a response to Petitioner’s Traverse (Doc. No. 23) in which Petitioner contends that the Respondent’s Motion for Summary Judgment omitted/ignored arguments contained in his Motion to Vacate (Doc. No. 1) and “Amendment to Defendant’s Memorandum in Support of His 2255 Motion to Vacate, Set Aside or Correct A Sentence Pursuant to F.R. Civ. P. Rule 15A. (Doc. No. 5).<sup>1</sup> Further, the Court directs the Government to file a response to Petitioner’s Motion for Discovery (Doc. No. 24). Finally, the Court directs attorney Andrew Murray to file an affidavit in response to Petitioner’s Motion to Vacate (Doc. No. 1) and

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<sup>1</sup> The Court notes that the Government has not included any response to Petitioner’s claim that his attorney was ineffective on appeal which is contained in his Amendment to his Motion to Vacate.

Amendment to his Motion to Vacate (Doc. No. 5.) The Court is under the impression that such affidavit was requested by counsel for the United States and that it was not provided in response to the request.<sup>2</sup> The Court now directs Mr. Murray to file such affidavit as it will be of benefit in resolving the issues in Petitioner's Motion and amendment thereto.

**IT IS, THEREFORE, ORDERED THAT:**

1. The Government is directed to file a response to Petitioner's Traverse addressing **ALL** of Petitioner's arguments contained in his Motion to Vacate (Doc. No. 1) and Amendment to his Motion to Vacate (Doc. No. 5) within sixty (60) days of the date of this Order;
2. The Government is directed to file a response to Petitioner's Motion for Discovery (Doc. No. 24.) within thirty (30) days of the date of this Order;
3. Mr. Andrew Murray shall file an affidavit in this matter addressing the Petitioner's allegations contained in his Motion to Vacate and amendment thereto within 30 days from the date of this Order. Such affidavit shall be filed directly in this case and a copy served on Government counsel and Petitioner.
4. The Clerk is directed to mail Mr. Andrew Murray a copy of this Order along with a copy of Petitioner's Motion to Vacate (Doc. No. 1) and Amendment (Doc. No. 5.)
5. The Government shall file its response to Petitioner's Traverse as directed under number 1 above within sixty (60) days of the date of this Order. Such response shall include a response to all of Petitioner's allegations and shall specifically include the affidavit of Andrew Murray and argument/analysis relating to Petitioner's claims that

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<sup>2</sup> See Motions for Extension of Time. (Document Numbers 7, 11, 15.)

Mr. Murray was ineffective.

**SO ORDERED.**

Signed: March 3, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

